

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
 4:07CR3014
Plaintiff,)
)
)
v.)
)
 ORDER
)
OTILIA ORTIZ-CAHUEQUE,)
)
)
Defendant.)
)

IT IS ORDERED:

In accordance with the rulings made from the bench on
June 27, 2007,

IT IS ORDERED:

1. The defendant's oral motion for continuance is granted, and this matter is continued for change of plea hearing on September 27, 2007 at 1:30 p.m before the undersigned magistrate judge in Courtroom 2, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska.

2. The ends of justice will be served by granting such a motion, and outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between June 27, 2007 and September 27, 2007 shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that defendant needs additional time to prepare for trial and decide if this matter can be resolved by plea, due to complications in her immigration status. She cannot knowingly enter a plea of guilty until she has been properly advised about the consequences of such a plea on her immigration status. Therefore the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

3. The defendant's oral motion for relief from the obligation to pay for electronic monitoring is granted, and the order setting conditions of pretrial release is amended accordingly, effective with the expiration of the current paid period.

DATED this 28th day of June, 2007.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge